

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, FEBRUARY 27TH, 2007, AT 6:00 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM IN THE COUNTY COURTHOUSE.

THERE WERE PRESENT: Wayne Angell, Chairman
 Charles Wagner, Vice-Chairman
 Leland Mitchell
 David Hurt
 Charles Poindexter
 Russ Johnson
 Hubert Quinn

OTHERS PRESENT: Richard E. Huff, II, County Administrator
 Christopher L. Whitlow, Asst. Co. Administrator
 Larry V. Moore, Asst. Co. Administrator
 B. J. Jefferson, County Attorney
 Sharon K. Tudor, CMC, Clerk

Chairman Wayne Angell called the meeting to order.

PUBLIC COMMENT

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CSA SUPPLEMENTAL REQUEST

Fran Elgin, CPMT, Board Member, advised the Board the Comprehensive Services Act was implemented in 1994 to serve “At Risk Youth” (Foster Care, Special Education and Other at Risk Youth) using a multidisciplinary team and community-based approach. The Franklin County C.S.A. Program has been steadily growing since 1994. The foster care population is growing as a result of serious child abuse and neglect concerns, as well as the child in need of services petitions being converted into foster care cases to access mandated services. The primary reason for the budgetary growth is the purchase of out of home placement services to serve the growing foster care and special education population. Federal funding has been utilized to assist with the cost of some residential treatment and therapeutic foster care placements through the use of Medicaid benefits. There is an additional local match 13.92% associated with the utilization of Medicaid residential and therapeutic foster care services. Medicaid benefits are also being used to purchase in-home family therapy services to help reduce the utilization of out of home placement services and to address family concerns at the local level. In March 2007 there will be a reduction in the therapeutic foster care services covered by Medicaid that will cause an estimated \$26,000 increase in the local match for therapeutic foster care services previously covered by Medicaid.

The local share of C.S.A. case funding has grown over 10 times its cost in 1994, with annual average increases of 12%. The large increase in local share is due to an increase in the volume of cases and the cost of services. The total number of children served in FY 04/05 (177 children) increased by 19% to (210 children) in FY 05/06. As of the end of the second quarter in December 2006, (189 children) received C.S.A. services (148 cases were open and 41 cases were closed). There have been increased efforts to utilize community based services to reduce the rate at witch CNINS cases enter foster care to receive mandated services. Unfortunately, the foster care caseload continues to rise primarily due to abuse and neglect issues. The following is a breakdown of the proposed budget request:

FY07 Original C.S.A. Budget allocation	FY07 Proposed Supplemental C.S.A. Budget
Mandated \$3,109,113	\$3,564,727
<u>Non-Mandated</u> \$140,887	<u>\$140,887</u>
TOTAL \$3,250,000.	\$3,705,614.

To cover the projected CSA expenses for the remaining fiscal year, a proposed increase of \$455,614 for a total FY 07 Supplemental Budget of \$3,705,614 is being requested. Of the \$455,614 proposed FY 07 supplemental budget increase, the local share is approximately \$129,167.

The revised FY 07 budget will represent a projected 26% increase over the FY 06 actual C.S.A. expenditures and increases the current FY 07 original budget allocation by 14%. The State will reimburse the County for 71.7% or \$2,656,925 of the proposed and revised budget. The total County match will be 28.35% or \$1,048,689.

The actual FY 07 CSA expenditures will not be realized until the close out on September 30, 2007. Last year (FY 06) for example, the final CSA program expenditures were \$2,957,866 with a supplemental budget of \$3,135,685. The supplemental budget is based on service projections and therefore, may or may not be realized as actual expenditures.

RECOMMENDATION:

Staff respectfully requests the Board of Supervisors to approve the Supplemental Allocation Request for FY 07 of \$455,614 which represents difference between the original allocation and the proposed supplemental budget to serve the mandated population, thereby noting an increase of \$129,167 in required local matching funds to be appropriated from the Board of Supervisors' operating contingency, should such supplemental budget be realized.

(RESOLUTION #19-02-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the supplemental allocation submitted in the staff's recommendation (\$129,167).

MOTION BY: Leland Mitchell
SECONDED BY: David Hurt
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Quinn, Johnson, & Angell
NAYS: Wagner

SMITH MOUNTAIN LAKE PIER DOCK AWARD

Scott Martin, Director of Commerce and Leisure Services advised the Board Franklin County continues to make progress on the development of Smith Mountain Lake Community Park. Thanks to a \$80,000 grant from the Virginia Department of Game and Inland Fisheries through the Federal Aid in Sport Fish Restoration Fund, the County is prepared to complete construction of an accessible fishing pier at the park site. The County retained Anderson & Associates to complete pier design. Per grant requirements, the pier had to meet strict ADA public access and deck stability standards. DGIF approved the pier design and the County's procurement policy. The County will be reimbursed 100% of the costs associated with this proposed bid award by DGIF.

The County Purchasing Department opened bids at 3 PM on February 15. The following construction companies submitted bids in the amounts listed below:

Vendor	Amount of Quote
Michael Dillon Custom Docks	\$50,000
Henson Construction	\$62,827
Smith Construction	\$76,250
Turners Building	\$109,236
Markham Building	\$112,380
Beechwood Sound Structural Inc.	\$168,480

Chris Fewster and County staff met with Michael Dillon Custom Docks to review their bid and the pier specs. Michael Dillon Custom Docks' bid is in the amount of \$73,595. The company, by its choosing, is deducting \$23,597.00 from the price of their bid as a donation to Smith Mountain Lake Community Park development thus making their effective bid \$50,000. Michael Dillon Docks also donated the labor to establish the pilings on which the pier will be constructed.

RECOMMENDATION:

Staff reviewed the bids, the references of Michael Dillon Custom Docks, and recommends that the Board of Supervisors award the fishing pier construction project to Michael Dillon Custom Docks in the amount of \$50,000.

(RESOLUTION #20-02-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve staff's recommendation in awarding the bid to Michael Dillon Custom Docks in the amount of \$50,000.

MOTION BY: Russ Johnson
SECONDED BY: Charles Wagner
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

PIGG RIVER WHITEWATER FEASIBILITY HYDRAULIC MODELING ANALYSIS

Scott Martin, Director of Commerce & Leisure Services, shared with the Board Franklin County was awarded a \$30,000 by the Virginia Tobacco Commission to complete the conceptual design of a whitewater park at the site of the Pigg River Power Dam. Recreation, Engineering and Planning (Boulder, CO) were retained by the County to complete the in-water design. Hill Studio (Roanoke, Va) designed the park facilities. Upon approval of the whitewater park component by the Board, staff will then work with Hill Studio to complete the "land" side of the park design. The park designs were approved by the Board of Supervisors.

The next step in the design process is the development of hydraulic modeling for the in-water features. Typically, this component of design is included in the final design process. Due to the presence of the endangered Roanoke logperch, the County must conduct the modeling prior to final design. Flow modeling will be presented to the US Fish & Wildlife Service so that they may make a determination on the proposed project's impact to the Roanoke logperch. These designs, if approved, will then be incorporated into the park's final design and construction plan documents.

It will cost approximately \$40,000 to complete this design element. Given that this design work is part of the blueway development program through its connection with removal of the Pigg River Power Dam, staff recommends that the cost of this phase be funded out of the County's Trail Development Capital Account. Adequate funding is available to complete the project.

Should the Board direct staff to move forward to this phase of the project, the County will procure the following:

- A ground survey that will locate bedrock and in-water structures that will be used to secure the whitewater/fish passage structures proposed in the conceptual plan,
- A 1 dimensional fluid model to investigate the hydraulic properties of the proposed design,
- A hydraulic report that specifies the design elements that will be suitable to allow passage of the Roanoke logperch.

RECOMMENDATION:

Direct staff to advertise for professional services necessary to complete a preliminary design hydraulic analysis for proposed Pigg River Park.

(RESOLUTION #21-02-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve staff's recommendation to advertise for professional services for the preliminary design hydraulic analysis for the proposed Pigg River Park and to appropriate \$40,000 to complete the design.

MOTION BY: Charles Poindexter

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

NTELOS PETITION DEFERRED FROM JANUARY 23RD, 2007 MEETING

Mike Pace, NTELOS Representative, shared with the Board the buffer around the lease parcel (100'x100' as required by the County Ordinance). Mr. Pace stated the petitioner is interested in having an additional buffer around the entire area. Mr. Pace stated the petitioner would provide an additional row of white pines in the center which would provide a more visual buffer and they would be maintained by NTELOS. Mr. Pace stated he had a commitment from four carriers to be placed on the proposed tower along with the County.

(RESOLUTION #22-02-2007)

BE IT THEREFORE RESOLVED, I find that the proposal to construct a 195-foot telecommunications tower is of substantial detriment to adjacent property and that such use will not promote good zoning practice to aid in the creation of a convenient, attractive or harmonious community. Therefore, I move to deny the request for a special use permit for the following reasons:

- Proposed tower is visually intrusive.
- The applicant has the option to build multiple shorter towers to achieve substantial coverage.
- Substantial coverage could be provided by a shorter tower at this location.
- There is a possibility, even with a tower at the requested height, that additional sites would be necessary to fill gaps in coverage.
- The decision to deny this request will not prohibit service in the County.

MOTION BY: David Hurt

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Hurt, Poindexter, & Johnson

NAYS: Mitchell, Wagner, Quinn & Angell

THE MOTION FAILS WITH A 3-4 VOTE.

(RESOLUTION #23-02-2007)

BE THE THEREFORE RESOLVED, to approve the special use permit as it will not be of substantial detriment to adjacent property, that the character of the projected future land use of

the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accord with the requirements of Section 25-638 of the Franklin County Code with the following conditions:

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1. The tower shall not exceed a total overall height of one hundred and ninety-nine (199) feet and shall not have lighting on pole. Site development shall be in substantial conformance with the plan entitled RN717 (Hardy; 216 Moorman Road, Hardy, Virginia, 24101, dated October 25, 2006, revised March 7, 2007; Job # R0600321.00 submitted with its application for special use permit (the "Plan").
2. A buffer of white pine trees shall be planted and maintained by the leaseholder along Moorman Road as depicted on the Plan for the duration of tower lease on property. The trees shall be a minimum of six (6) feet tall at time of planting and placed on 10-12 foot centers outside of the public right-of-way or any other easements on the property (ies).
3. Tower shall be a monopole design and antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed twelve (12) inches) on structure. All wiring and cables shall be located inside the pole structure.

MOTION BY: Charles Wagner

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Wagner, Quinn & Angell

NAYS: Hurt, Poindexter & Johnson

THE MOTION PASSES WITH A 4-3 VOTE.

Chairman Wayne Angell recessed the meeting for the previously advertised public hearings as follows:

PUBLIC NOTICE

VACATING A PORTION OF PLAT RECORDED IN DEED BOOK 396, PAGE 687

Notice is hereby given that on the **27th, day of February, 2007 at approximately 6:00 P.M.**, in the Franklin County Board of Supervisor's Room in the Franklin County Courthouse in Rocky Mount, Virginia, the Franklin County Board of Supervisors will hold a public hearing to consider vacating and conveying a certain portion of the cul-de-sac of Maiden Lane in Indian Pointe Subdivision to James L. Crowgey and Phyllis R. Crowgey, Trustee of the Crowgey Living Trust.

The northwesterly portion of the cul-de-sac of Maiden Lane adjoining Lot 30A, Indian Pointe, as shown on the plat of Subdivision of Indian Pointe has never been constructed or developed as Maiden Lane was extended past Lot 30A in an easterly direction and the cul-de-sac is no longer required as a part of the road system of Indian Pointe Subdivision as recorded in Deed Book 396, Page 687 in the Franklin County Clerk's Office. A complete copy of proposed plat may be viewed in the Finance Office, Sharon Tudor, CMC, Clerk, 70 East Court Street, Suite 301, Rocky Mount, Virginia 24151.

The petitioners desire that the portion of the cul-de-sac as shown on the said plat be vacated and conveyed to them so that Lot 30A, Indian Pointe Subdivision will abut Maiden Lane along its entire road frontage.

George Vogel, II, Attorney, presented the petition for the Board's consideration.

No one spoke for or against the proposed vacating.

(RESOLUTION #24-02-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the vacating of the plat as advertised and authorized the County Administrator to execute the deed.

MOTION BY: Russ Johnson

SECONDED BY: Hubert Quinn

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

PETITION of Geoffrey B. Hardaway, Hardstone Development, LLC, as Petitioner: Owner Merriman L. Brooks and Amanda C. Brooks; Elton Cundiff Bulldozing & Farms, Inc., to rezone property currently zoned A-1, Agricultural District to B-2 Business District General to develop the site for use as a stand alone Dollar General Retail Store. The future land use map of the current adopted Comprehensive Plan designates this area of State Route 40 East as Rural Residential. The property is located on State Route 40 East, Old Franklin Turnpike, 3/10 of a mile

past Simmons Creek Road (State Route 673) in the Union Hall Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as Tax Map # 65, Parcel # 63.3; a portion of Tax Map # 65, Parcel # 63.2. (Case # R 07-01-01)

Geoffrey B. Hardaway, Developer, requested the Board to grant a continuance until next month.

(RESOLUTION #25-02-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to grant the requested continuance for the **PETITION** of **Geoffrey B. Hardaway, Hardstone Development, LLC, as Petitioner: Owner Merriman L. Brooks and Amanda C. Brooks; Elton Cundiff Bulldozing & Farms, Inc.,** due to a scheduling issue.

MOTION BY: Charles Poindexter

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

PETITION of **R & P Properties, Inc., Timothy A. Basham, and J B Holdings and Enterprises, LLC, as Petitioners; Owners, Marie Loretta McClurkin, Lori N. Langston, Portia C. McClurkin, Mazie L. Roy and J B Holdings and Enterprises, LLC,** to rezone property currently zoned A-1, Agricultural District to R-1 Residential Suburban Subdivision District, for a new subdivision to be known as Boardview Estates consisting of twenty-five (25) lots fronting on Smith Mountain Lake and ten (10) off-water lots served by individual wells and septic systems. The future land use map of the current adopted Comprehensive Plan designates this area of State Route 665 as Low Density Residential which allows density of one to two dwelling units per acre. The property is located on State Route 665 in the Gills Creek Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as Tax Map # 33, Parcel #'s 56.1; 56.3; 56.4; and 56.5. (Case # R 07-01-02)

Clyde Perdue, Attorney, presented the petitioner's request.

Charles Jordon, stated he agrees with staff that the new road in this subdivision should connect to both Forest Shores Road and St. Augustine Road (Route 1670). Forest Shores Road currently meets Mallard Point Road at an oblique intersection, which is not desirable. It also appears that an intersection with a private road is nearby. To maximize safety, Forest Shores Road should be realigned to meet Mallard Point Road at a right angle at the intersection with the private road. This subdivision includes adequate land to relocate this intersection. I believe any traffic engineer working on behalf of Franklin County would agree that public safety would be maximized by lining up perpendicular intersections. The cost of that engineering review would be small compared to the potential cost to rescue services of a permanent traffic hazard.

Mr. Jordan expressed concern that the change of zone and subdivision in the planned configuration would leave an out parcel (which Clyde Perdue identified as an open field) that would be difficult to develop in accordance with the dimensional requirements of the zoning ordinance (either the current A-1, or a possible future change to R-1). The loss of the parcel's existing frontage on Mallard Point Road and Forest Shores Road, which can be avoided by reducing or relocating common open space, appears to limit the lot width that can be provided to its eventual subdivision (unless an additional, perhaps unnecessary road is added at that time). Franklin County should make sure that no incidental changes in a parcel's size and shape render it impossible to develop in a manner consistent with zoning.

Mr. Jordan mentioned the connection to St. Augustine Rd. (Thinking about it now, I realize that the type of restrictive covenant subsequently mentioned by a local resident can be used along a use boundary between housing and industry, to control commercial traffic. Protecting single-family housing from access to more of the same is not usually consistent with the public interest.)

In closing, Mr. Jordan mentioned the realignment of Forest Shores Road.

Bill Moore, President, Canteberry On The Lake, expressed their opposition to any roads extension into their neighborhood as current deeds of restriction would prohibit any extensions.

(RESOLUTION #26-02-2007)

BE THE THEREFORE RESOLVED, to approve the rezoning request in accordance with § 15.2-2283. Purpose of zoning ordinances. Zoning ordinances of the Code of Virginia of 1950, as amended and the petition will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the

public health, safety and general welfare, will promote good zoning practice and is in accord with Section 25-730 of the Franklin County Code with the following proffers:

1. The property shall be developed in general conformance with the Concept Plan dated December 1, 2006, as revised February 19, 2007, prepared by Cornerstone Land Surveying, Inc., providing for twenty-five (25) water front lots fronting on a state maintained public road and ten (10) off-water lots.
2. A property owners association will be established for upkeep and maintenance of any common areas.

MOTION BY: Russ Johnson

SECONDED BY: Hubert Quinn

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

PETITION of Paul V. Miller and Jeanne A. Miller, as Petitioner and Owner, to rezone property currently zoned A-1 Agricultural District to B-2 Business District General to develop and market property for either a single parcel or three (3) parcels for retail sales, general commercial business use and/or office space. The future land use map of the current adopted Comprehensive Plan designates this area of State Route 616 as Crossroads Commercial and does not set forth a density range. The property is located in the Gills Creek Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as Tax Map # 32, Parcel # 41, and a portion of Tax Map #32, Parcel # 21.1. (Case # R 07-01-03)

Clyde Perdue, Attorney, presented the petition as advertised.

Don Byrd lives across the road from the development. As a long time resident, he was concerned and stated he would like to continue to have a quality of life.

Cheryl Thurman, representing her father, was concerned about the privacy and requesting additional buffering for his property from the proposed development.

(RESOLUTION #27-02-2007)

BE THE THEREFORE RESOLVED, to approve the rezoning request in accordance with § 15.2-2283. Purpose of zoning ordinances. Zoning ordinances of the Code of Virginia of 1950, as amended and the petition will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare, will promote good zoning practice and is in accord with Section 25-730 of the Franklin County Code with the following proffers:

1. Development of the property shall be in general conformity with the Concept Plan made by Stone Engineering dated November 14, 2006, filed with the Planning Department in regard to this rezoning request. The Developer reserves the right to combine buildings and/or lots provided the total square footage for buildings does not exceed the total shown on the Concept Plan and any subdivision of the property does not exceed three (3) lots. If developed into individual lots, solid waste disposal may be on site by a screened dumpster pad or an easement provided for solid waste disposal on the screened dumpster pad located within the development. Developer may configure the location of the buildings differently than shown on the Concept Plan for aesthetic purposes.
2. Access for the proposed development shall be restricted to a single access entrance located, generally, as shown on the concept plan.
3. All proposed utilities shall be located underground.
4. The design of the commercial buildings shall contribute to the character of the Scruggs community by the use of complementing forms and materials. Materials for exterior walls shall include, but not be limited to, brick and wood clapboards, and walls will be articulated through the use of window and door openings, belt courses, pilasters and other similar architectural treatments. All individual building elevations that are visible from a public right of way shall use similar materials. Vertical metal siding shall be prohibited on the front and side of any building.
5. Roofing materials for pitched roofs shall be metal or composite shingle. Flat roofs shall have a parapet wall tall enough in height to screen any roof mounted mechanical equipment. Buildings with flat roofs shall have a decorative cornice at the top of all walls.

6. Architectural detail shall be incorporated to create architectural character. Detail includes highlighting foundations, lintels, sills and cornices with contrasting materials and breaking up the mass of the building with bands at floor levels or projections at entries.
7. Windows and doors shall have a regular pattern of solids and voids that are consistent throughout individual buildings.
8. Building elevations shall be included with any site plan submission.
9. Upon submission of the site plan, the applicant shall submit a traffic analysis report that meets Virginia Department of Transportation requirements for a commercial entrance permit approval.

The trips generated by the uses for the commercial development will be less than required for a left turn lane unless the developer establishes road improvements per VDOT requirements.

10. Developer will limit free standing signage to one free standing commercial sign to be located at the main entrance. The size of the sign shall be in conformity with the existing/current Sign Ordinance for Franklin County; provided, however, if the property is developed into individual lots the Developer may, at its discretion, determine to have the one freestanding sign located at the main entrance, aforesaid, or limit the signage on the individual developed lot to one free standing sign, per lot, with the size of the sign restricted to the requirements as established for the Westlake Overlay District (32 sq. feet 8' height).
11. All proposed parking and vehicular drive aisles associated with development of the property shall be paved. Parking lot paving will occur as the development occurs, providing that any building shall have a paved parking lot and access prior to being open to the public for business.
12. Upon submission of the site plan, the applicant shall provide documentation outlining approval by the Virginia Department of Health (VDH) that three (3) individual lots of record can be supported on the proposed development site.
13. Prior to the issuance of any development permits, the applicant shall consider the availability of utilizing a County Water main, should one be accessible, instead of individual wells serving the development.
14. The Developer will provide shared reciprocal parking agreements as the Developer deems necessary to assure adequate parking in the event of any future divisions of the property.
15. There shall be a landscape screen buffer planted along the eastern property line with the Turner property, except in areas located within the proposed septic disposal fields as shown on the concept plan. The buffer shall be planted so it does not interfere with VDOT sight distance requirements. The buffer shall consist of two (2) rows of Leland Cypress planted ten (10) foot on center with staggered rows planted five (5) feet apart. Minimum height shall be six (6) feet at time of planting.

MOTION BY: Charles Wagner
 SECONDED BY: Hubert Quinn
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Hurt, Poindexter, Wagner, Quinn & Angell
 ABSTAINED: Johnson

The Franklin County Board of Supervisors will hold a public hearing at approximately **6:00 P.M., on Tuesday, February 27th, 2007**, in the Meeting Room located in the Courthouse, Rocky Mount, Virginia to consider proposed amendments to County Code Chapter 4: Animals and Fowl as follows:

- **Section 4-54.** **Dog License fees.** Removes reference to sex of dog for licensing purposes.
- **Section 4-55.** **Where and when tax due and payable.** Removes January deadline for purchase of dog license. Establishes a multi-year license that runs concurrent with rabies vaccination except for kennel license.
- **Section 4-58.** **Issuance, composition and contents.** Allows treasurer to designate agents to sell dog licenses. Establishes minimum applicant

- information for license purchase. Establishes a minimum amount of time that dog license records must be preserved.
- **Section 4-59.** **Preservation and exhibition of license; tag to be worn by dog; exceptions.** Language clarification in paragraph (a). Removes reference to calendar year in (b).
- **Section 4-62.** **Impoundment Fees.** Increases impoundment fee for a dog to \$30.00.
- **Section 4-64** **Disposition of taxes collected.** (a) Requires the County Treasurer to establish a separate fund for dog license revenues. (b) Designates uses for license fees collected by County.
- **Section 4-66.** **Animal nuisance prohibited.** Authorizes Judge to order the owner of a nuisance animal to spay/neuter the animal upon conviction of 2nd offense of 4-66.

Daryl Hatcher, Director of Public Safety, briefly highlighted the proposed changes to Chapter 4: Animals and Fowl Ordinance.

No one spoke for or against the proposed amendments.

(RESOLUTION #28-02-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned amendments as advertised.

MOTION BY: Charles Wagner

SECONDED BY: Charles Poindexter

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

The Franklin County Board of Supervisors will hold a public hearing at approximately **6:00 P.M.**, on **Tuesday, February 27th, 2007**, in the Meeting Room located in the Courthouse, Rocky Mount, Virginia to consider the adoption of a proposed ordinance titled Removal, repair, etc., of dangerous structures, Section 5-3 of the County Code. The said proposed ordinance would read as follows:

Be It Hereby Ordained by the Board of Supervisors of Franklin County:

- (a) That the owners of property within the county shall, at such time or times as the county administrator or his designee, the chief building inspector, may prescribe, remove, repair or secure any building, wall or other structure which might endanger the public health or safety of other residents of the county.
- (b) Franklin County, through its own agents or employees, may remove, repair, or secure any building, wall or other structure which might endanger the public health or safety of other residents of the county when the owner of such property, after reasonable notice and reasonable time to do so, has failed to remove, repair or secure such building, wall or other structure. For purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last know address of the property owner and (ii) published once a week for two successive weeks in a newspaper having general circulation in the locality. No action shall be taken by the locality to remove, repair, or secure any building, wall, or other structure for at least 30 days following the later of the return of the receipt or newspaper publication, except that the locality may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is state in the notice.
- (c) In the event that Franklin County, trough its own agents or employees, removes, repairs or secures any building, wall or other structure after complying with the notice provisions of this section, the cost or expense thereof shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes and levies are collected.
- (d) Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.

Daryl Hatcher, Director of Public Safety, presented the proposed amendments.

(RESOLUTION #29-02-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the proposed amendments as advertised.

MOTION BY: David Hurt
 SECONDED BY: Charles Poindexter
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

**PUBLIC NOTICE
 PROPOSED LEASE OF OFFICE SPACE**

In accordance with the provisions of Section 15.2-1800 of the Code of Virginia, as amended, notice is hereby given to all interested parties that the Board of Supervisors of the County of Franklin, Virginia will conduct a public hearing on the proposed lease of office space consisting of approximately 2,670 square feet at the former Developmental Center Building, 40 West Church Street, Rocky Mount, Virginia for use by Piedmont Community Services Agency.

A copy of the proposed lease and a plat of the proposed rental space are available for review in the office of the Clerk to the Board, 70 East Court Street, Suite 301, Rocky Mount, Virginia.

Said public hearing will be held at approximately **6:00 P.M., on Tuesday, February 27th, 2007**, in the Meeting Room of the Courthouse.

No one spoke for or against the proposed lease.

(RESOLUTION #30-02-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve an 18 month lease for the Piedmont Community Services with the (PCS) taking care of the cost of utilities.

MOTION BY: Russ Johnson
 SECONDED BY: NO SECOND
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Johnson
 NAYS: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

MOTION FAILED WITH A 1-6 VOTE

(RESOLUTION #31-02-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve an 18 month lease for the Piedmont Community Services at a rate of \$675.00 per month with (PCS) providing the janitorial service.

MOTION BY: David Hurt
 SECONDED BY: Leland Mitchell
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Hurt, Poindexter, Quinn & Angell
 NAYS: Johnson
 ABSTAINED: Wagner

MOTION PASSED WITH A 5-1-1-0

PURCHASE DEVELOPMENT RIGHTS INFORMATIONAL MEETING

An informational meeting pertaining to Purchase Development Rights will be held on Monday, March 19th, 2007 @ 7:00 P.M. @ the Board of Supervisor's Meeting Room.

BOILER REPLACEMENT PURCHASE

Mike Thurman, Director of General Properties, advised the Board the Jail, Courthouse and County Administration Building are provided heat from one single source. The cast iron, low pressure steam, oil fired boiler is located in the basement of the Franklin County Jail and is over 40 years old.

The boiler which provides heat for said buildings is aging and very inefficient. Such inefficiency is drastically magnified at today's oil price levels. In addition, the single source heating capacity is very concerning, especially when considering the Jail occupancy.

While staff realizes the Board has made no definite decision to fund a boiler replacement, the desire at this time is to begin a process of reviewing our current system, create specifications and be positioned to accept bids for such an upgrade immediately after receiving approval. Obviously timing is critical since this work must be carried out in summer months.

RECOMMENDATION:

Request Board approval to seek proposals from qualified engineering firms for the purpose of surveying our existing system and developing plans and specifications for the appropriate upgrades. It is further recommended that the County Administrator be granted authority to proceed with procuring the said services after all interviews and negotiations have been carried out. It is anticipated that no additional funding requests will be made for the engineering phase of the work.

(RESOLUTION #32-02-2007)

BE IT THEREFRERESOLVED, by the Board of Supervisors to approve staff's recommendation.

MOTION BY: Charles Poindexter
SECONDED BY: Russ Johnson
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

COMMERCE PARK UTILITIES BID UPDATE

Richard E. Huff, II, County Administrator, advised the Board the bids were opened for the Commerce Park and they received one bid and it was over budget and requested the Board to reject the one bid and to authorize staff to re-advertise.

(RESOLUTION #33-02-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to reject the bid received for the Commerce Park Utilities and to re-advertise.

MOTION BY: Charles Poindexter
SECONDED BY: Russ Johnson
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

WELL LOT DEDICATION AT COMMERCE CENTER

Richard E. Huff, II, County Administrator, requested the Board to execute to Department of Health.

(RESOLUTION #34-02-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to execute the well lot at the Commerce Center as requested.

MOTION BY: Hubert Quinn
SECONDED BY: Leland Mitchell
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

Chairman Angell adjourned the meeting.

W. WAYNE ANGELL
CHAIRMAN

RICHARD E. HUFF, II
COUNTY ADMINISTRATOR